



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/448,371	11/23/99	SHADLE	M

029988 IM52/1009
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EXAMINER

MAPLES, J

ART UNIT PAPER NUMBER

1745

5

DATE MAILED: 10/09/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/448,371

Applicant(s)

SHADLE ET AL

Examiner

John S. Maples

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 ~~is/are~~ are pending in the application.
- 4a) Of the above claim(s) 12-57 ~~is/are~~ are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 ~~is/are~~ are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: *Reasons for Allowance*.

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1. Applicant's election with traverse of Group I in Paper No. 4 is acknowledged. The traversal is on the grounds that because some of the groups are classified in same area and hence would require the same search, there would not be undue burden upon the examiner to examine more than one group. Also, applicant argues that the differences between the claims does not warrant them being examined in different applications.

This is not found persuasive because as applicant has agreed in the restriction traversal, there are differences between the groups of invention. As a matter of fact, applicant states that the different groups include "independently patentable differences". This fact alone is enough to support proper restriction between all of the groups.

In addition, even though some of the groups may be classified in the same areas, the groups are drawn to materially different subject and are properly restrictable for the reasons set forth in the June 29, 2001 requirement. For example, even though Groups I and III include adhesive bonding, Group I requires a web, which feature is not part of the Group III invention. In addition, the Group III process could be practiced without a monomer, which limitation is part of the Group I process.

Also, even though the groups may include some of the same features, i.e., adhesive bonding or coating/impregnating with a layer of flowable material, there are still patentably distinct features which distinguish one group from the other. These differences, again, have been set forth in the previous restriction requirement and provide sufficient evidence for group distinctness.

The requirement is still deemed proper and is therefore made FINAL.

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2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Erlichman, Sotomura et al. and Lake all disclose various methods of making a battery including printing of an electrolyte layer.

3. The following is an examiner's statement of reasons for allowance: none of the prior art, taken singly or in combination, renders obvious the claimed method of making multiple cells including printing of an electrolyte composition comprising a monomer and an electrolyte onto a web, forming a polymer of the monomer, and then arranging the formed electrolyte with electrode patterns to form a plurality of cells. The art does not teach the printing of the electrolyte onto a web where a monomer is subsequently transformed into a polymer and then forming a plurality of cells.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John S. Maples whose telephone number is 703-308-1795. The examiner can normally be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gabrielle Brouillette can be reached on 703-308-0756. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



John S. Maples
Primary Examiner
Art Unit 1745

JSM
October 5, 2001